HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18152 of 2007

Dated:28.08.2007

Between:

Rachumalla Pratap Reddy.

…Petitioner.

and

The Chief Executive Officer.

…Respondent.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18152 of 2007

ORDER:

The petitioner is working as Senior Assistant in the office of Zilla Parishad, Kadapa. In 1997, with the necessary approval from the District Collector, the respondent started multi purpose Gym in one of the godowns in Zilla Parishad premises. The petitioner was asked to organize the same. On 03.12.2006, the respondent issued proceedings directing the petitioner to vacate Gym and handover the materials, on the ground that he failed to pay the rent for nine years. The petitioner assailed the same in W.P.No.25353 of 2006. This Court initially suspended the order, dated 03.12.2006, passed by the respondent, in W.P.M.P.No.32480 of 2006, on 05.12.2006. Zilla Parishad moved W.V.M.P.No.37 of 2007. This Court vacated the interim order. Thereafter, the respondent again issued proceedings, dated 13.08.2007, directing the petitioner to handover Gym by 14.08.2007. The same is assailed in this Writ Petition.

Learned Counsel for the petitioner submits that during the last nine years, the petitioner was never informed about the amount of rent payable by him. The petitioner himself offered to pay a nominal rent of Rs.600/-, per month. The respondent did not take any action on such representation. He, therefore, urged that the action of the respondent is illegal and arbitrary.

The petitioner has not shown any right, which vests in him, for enforcing the same in a writ petition. No material is placed before this Court to show that a duty is cast on the respondent to organize a Gym

in Zilla Parishad godown or to appoint a trained person like the petitioner to organize the same. Therefore, the Writ Petition is misconceived. Secondly, while vacating the order of suspension in W.P.M.P.No.32480 of 2006 in W.P.No.25353 of 2006, dated 05.12.2006, this Court passed the following order.

> The Writ Petitioner was nominated to organize a Gym in Zilla Parishad (ZP) Premises. It appears, he was not paying the rent regularly for a period of Nine Years. The Chief Executive Officer, ZP, therefore, passed orders to seize the Gym, aggrieved by which, the present Writ Petition is filed.
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> This Court passed an order of interim suspension for a period of Ten days. Subsequently, the interim order was extended.
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> After perusing the record, this Court is convinced that the Writ Petitioner has no right to continue to be the organizer of the Gym, when he failed to pay the rent for a period of nine years. In deed, the impugned order discloses that he is also Senior Assistant in the office of the Z.P, and keeping the amount of rent with him for such a long time is certainly the misconduct. Therefore, this Court is not inclined to pass any interim orders.
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> W.P.M.P.No.32480 of 2006 is, therefore, dismissed.

A perusal of the impugned order would show that the same was passed keeping in view the above orders of this Court, and therefore, the same cannot be assailed on any ground. The petitioner's remedy is to pursue the pending writ petition.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

28.08.2007

Note:Furnish C.C. in one week.

(B/o)

GJ